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Many shades of gray: Secrets and the press

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WASHINGTON — CIA Director William J. Casey's threat to prosecute newspapers and magazines for publishing government secrets has had the intended effect. He hasn't prosecuted anybody, but he's got everybody's attention.

When he said last week that he would recommend charges against *The Washington Post* if it went ahead with a certain story in its possession, and that he had cold evidence to prosecute five publications for stories already printed, the press outcry was both predictable and valid.

But the press has dealt less extensively in public with the flip side of the issue — its own responsibility to consider the national interest before printing classified material.

Every major publication I know of does indeed consider that aspect, often at agonizing length, when dealing with sensitive material. The public sees only the stories on which the decision was "go" — not the many that are spiked, or the paragraphs that are edited out to withhold material potentially useful to an enemy.

Strongly conflicting forces go to work when an editor weighs whether to print national security material. Ideally, he will ask himself and his colleagues, and perhaps his lawyers or former government experts, a series of questions:

Does this story compromise government secrets?

Are they secret because of genuine national security involved, or merely because their publication would inconvenience somebody?

Would publication put U.S. agents, plans or intelligence methods at risk?

Is there a serious public purpose for publication — does this story disclose government deception of the people, or abuse of their rights?

Does it correct the public's knowledge of important events on which citizens have been only half informed?

Too often such questions do not produce black-and-white answers, but shades of gray. A story may be legitimately classified, may potentially disclose valuable secrets — and at the same time involve such serious government abuses that an editor feels it his public duty to print

it.

Arrived at after that kind of honest consideration, a decision to print is still open to criticism from the government and its defenders. But sometimes, by the way it handles classified material, the government itself contributes to faulty judgment by the press.

Watergate is only the most egregious example of how recent administrations have used the national security label to cover up felonies and misdemeanors. More frequently, that excuse is used to bury embarrassing mistakes.

The Freedom of Information Act, intended to open the public's way into such material, is weakened by the government's arbitrary censorship of what it does release under FOI requests.

Year before last, for instance, I asked for material on a U.S. Army intelligence investigation of Madalyn Murray, the former Baltimorean who brought the suit that resulted in the Supreme Court's 1962 decision against school prayer. Why was Army intelligence interested in a civilian anti-religious crusader?

Ten months after my request, I got a dozen pages, 20 years old. A couple were routine covering letters. A couple summarized what had been in the public press about Mrs. Murray and her political associations. One said she was "Well-known in Honolulu, Hawaii, as a militant atheist, refugee from justice in Maryland, active worker in the field of civil liberties, associate of suspected Communists and staunch advocate of United States withdrawal from Vietnam."

The seven most interesting sheets had been stamped SECRET, but released after being "sanitized." Under different dates, they said, "the following information pertaining to the alleged involvement of atheist Madalyn Murray in an international Communist revolutionary movement was obtained . . ." — and everything thereafter was blacked out.

I cite this not because it is an exception. It is the rule. Reporters making FOI requests get used to receiving stacks of material, all blacked out. Sometimes, if they pursue the information through appeals and lawsuits, they get more.

The result, intended or not, is to heighten the adversary attitude too

familiar in some news offices — the feeling that it's a contest between press and government, and if we can't get what we need by playing by the rules, we can get it some other way. And that, in turn, is escalated by the government's use of classified information for its own political and policy purposes.

When a public servant slips classified material to one paper, he effectively dares other papers to match or exceed it. When he passes along only the material that makes him or his policy look good, he challenges the recipient to dig for the rest of the story.

And when newsmen know that the overwhelming majority of published classified information comes out through calculated leaks by high officials, they are not particularly sympathetic to hypocritical complaints from other high officials when it gets printed.

Bill Casey has done us a favor by raising our consciousness. His gripes may be valid in the specific cases at hand. Yet he and his agency have their own reputation for leaking erstwhile secrets. He can't control his own house, but he threatens to use the courts to police the press — after the damage is done.